

Reported Recommending
Ind. Postponed
Passed Senate
Failed to Pass Senate
Passed House
Failed to Pass House

Senate File 108

January 24, 1947.

By HENNINGSSEN.

A BILL FOR

An Act to amend section six hundred thirty-nine point eight (639.8), Code 1946, with reference to the amount in value that may be attached by the levying officer when the demand is not founded on contract, in order to give a judge of a municipal court the power to make an allowance on a petition presented to him of the amount in value of the property that may be attached.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section six hundred thirty-nine point
- 2 eight (639.8), Code 1946, is hereby amended by inserting
- 3 in line four (4) after the comma following the word "district"
- 4 and before the word "or", the word "municipal".

EXPLANATION OF S. F. 108

This bill is non-controversial and corrects an oversight. A recent supreme court decision, *Missildine v. Brightman*, 234 Iowa 1339 at page 1346, held that by designating a court in express terms in a statute would, by the usual and ordinary rules of construction, exclude all others. This bill merely gives judges of the municipal courts the power to make an allowance on a petition when presented to the court of the amount in value of property to be attached when the demand in the petition is not founded on contract, which by section 639.8 of the 1946 Code as construed by the supreme court, is only given to superior, district and the supreme court. This bill merely corrects an oversight in omitting municipal courts in listing the courts of record in this statute. Municipal judges and attorneys have already assumed that municipal judges had this power until the supreme court ruled otherwise.